



3731  
41

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the **PATENT APPLICATION** of:

Peter Osypka

**Application No.:** 10/062,114

**Confirmation No.:** 9980

**Filed:** January 31, 2002

**For:** IMPLANTABLE STENT

**Group:** 3731

**Examiner:** Victor X. Nguyen

**Our File:** SMB-PT041

(P02-048 MUS)

**Date:** July 12, 2004

**RECEIVED**

**JUL 20 2004**

TECHNOLOGY CENTER 3700

**REPLY PURSUANT TO 37 C.F.R. §1.111**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply is responsive to the Office Action dated June 22, 2004 (Paper No. 7), for the above identified application.

In the Action, the Examiner has required an election of species from the following groups: Species I (i.e., Figures 1-2, 7-8, and 13-14), Species II (i.e., Figures 3-6), Species III (i.e., Figures 9-11), Species IV (i.e., Figure 12), and Species V (i.e., Figure 15).

Applicant elects Species I (i.e., Figures 1-2, 7-8, and 13-14), without traverse, for examination on the merits. Claims 1-7 and 10-12 read on Species I. Applicant further submits that claims 1 and 2 are generic, and that claims directed to the non-

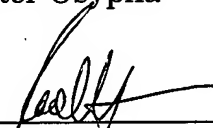
**Applicant: Peter Osypka**  
**Application No.: 10/062,114**

elected species should remain in this case and be considered upon allowance of a generic claim.

Prompt examination on the merits of the invention of Species I, including claims 1-7 and 10-12, is respectfully requested.

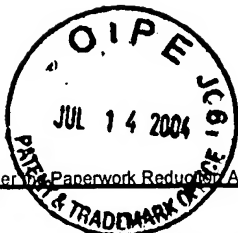
Respectfully submitted,

Peter Osypka

By   
Randolph J. Huis  
Registration No. 34,626  
(215) 568-6400

Volpe and Koenig, P.C.  
United Plaza, Suite 1600  
30 South 17th Street  
Philadelphia, PA 19103

RJH/WCP/dmm  
Enclosures



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |                        |                  |
|---|------------------------|------------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/062,114       |
|   | Filing Date            | January 31, 2002 |
|   | First Named Inventor   | Peter Osypka     |
|   | Art Unit               | 3731             |
|   | Examiner Name          | Victor X. Nguyen |
| Total Number of Pages in This Submission  | Attorney Docket Number | SMB-PT041        |

| ENCLOSURES (Check all that apply)  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance communication to Technology Center (TC)        |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input checked="" type="checkbox"/> Amendment/Reply                          | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Terminal Disclaimer  | <input type="checkbox"/> Other Enclosure(s) (please identify below):                    |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Request for Refund   |   |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> CD, Number of CD(s) _____                                      |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | Remarks   |   |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application   |   |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |

RECEIVED  
JUL 20 2004  
TECHNOLOGY CENTER 3700

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | Randolph J. Huis<br>Volpe and Keenig, P.C.<br>Reg. No. 34,626 |
| Signature                                  | <i>[Signature]</i>  |
| Date                                       | 7/12/2004   |

| CERTIFICATE OF TRANSMISSION/MAILING  |                    |
|--|--------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                    |
| Typed or printed name  | Randolph J. Huis   |
| Signature  | <i>[Signature]</i> |
| Date   | 7/12/2004          |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.